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8 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
9 OF THE STATE OF CALIFORNIA
10

11 ORVILLE MEAUX,

12 Plaintiff,
13 v.
14

15 NORTHWEST AIRLINES, INC., a Delaware
Corporation, PROFESSIONAL FLIGHT
ATTENDANTS ASSOCIATION, a labor
organization, TRANSPORT WORKERS
UNION, a labor organization, ASSOCIATION
OF FLIGHT ATTENDANTS-
COMMUNICATIONS WORKERS OF
AMERICA, a labor organization, and DOES 1
to 20, inclusive,

19 Defendants.
20 _____ /
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Case No. C 04-04444 CW

(Consolidated with
Case No. C09-02447 CW)
ORDER DENYING
~~STIPULATION AND~~
~~(PROPOSED) ORDER~~
TO BE EXCUSED FROM THE
ADR PROCESS,
EARLY NEUTRAL EVALUATION

Hon. Claudia Wilken

22 WHEREAS, this is a consolidated action, the more recent action (C09-02447 CW) having
been filed on June 3, 2009.

23 WHEREAS, the Court ordered ADR process, Early Neutral Evaluation, was ordered by
the Court in the 2009 case on October 2, 2009, before the two Defendant unions had appeared in
25 the action.

27 WHEREAS, Plaintiff had agreed in the Joint Case Management Statement filed in the

1 2009 action to Early Neutral Evaluation when it was contemplated that the two Defendant unions
2 would be parties to this action and would participate in the ADR process.

3 WHEREAS, an Early Neutral Evaluation is scheduled to occur on February 4, 2010
4 before Sue Stott.

5 WHEREAS, while the two Defendant unions currently remain in this action, Plaintiff
6 now intends to dismiss the two Defendant unions from this action, leaving Defendant Northwest
7 Airlines as the sole Defendant subject to participate in the Early Neutral Evaluation.

8 WHEREAS, Plaintiff and Defendant Northwest Airlines participated in the ADR process
9 in the earlier case (C 04-04444 CW) when the Court ordered the parties to Private Mediation by
10 Order dated March 8, 2005. The ADR Session, Mediation was held on August 16, 2005 but the
11 parties were not able to reach a resolution of the matter.

12 WHEREAS, Plaintiff Orville Meaux does not now agree that Early Neutral Evaluation is
13 a suitable method of ADR for this case as the remaining parties to the consolidated action,
14 Plaintiff Orville Meaux and Defendant Northwest Airlines, have not been able to resolve this
15 dispute through alternative means in the past. Plaintiff anticipates that an Early Neutral
16 Evaluation with Defendant Northwest will be a costly and time-consuming process with little
17 likelihood of resolving the matter.

18 WHEREAS, counsel for Defendant Northwest is willing to participate in the Early
19 Neutral Evaluation as ordered, but does not oppose Plaintiff's request to cancel the scheduled
20 Early Neutral Evaluation which Plaintiff does not believe will be productive.

21 WHEREFORE, counsel for Plaintiff and Defendant Northwest Airlines agree that this
22 action may be withdrawn from the ADR process and the Early Neutral Evaluation Session
23 scheduled for February 4, 2010 may and should be canceled.

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25 /
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1 || SO STIPULATED.

DUANE & SELTZER

4 | Dated: January 20, 2010

/s/
DEAN SCHMIDT
Attorneys for Plaintiff
Orville Meaux

OGLETREE, DEAKINS et al.

Dated: January 20, 2010

/s/
LINDA GOLDMAN
Attorneys for Defendant
Northwest Airlines, Inc.

**ORDER
STIPULATION RE CASE MANAGEMENT CONFERENCE
NOT APPEARING**

The above Stipulation, having been read and GOOD CAUSE APPEARING

THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Ear
shall proceed as scheduled.

6 Neutral Evaluation scheduled for February 4, 2010 is cancelled and the case shall be withdrawn
7 from the ADR process.

1/21/10

Chadiele Witt

Dated:

Honorable Claudia Wilken